

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV538-02
(1:06CR13-1)**

SHAFEEQ MUHAMMAD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the Court on Petitioner's *pro se* filing, which the Court has construed as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, filed December 1, 2008.

A review of this pleading shows that Petitioner has submitted his motion to vacate on a copy of a form which is provided in the appendices of the Federal Rules of Civil Procedure. However, in order to facilitate this Court's review of Petitioner's claims, the Court will direct the Clerk of Court to send Petitioner the § 2255 motion form which has been approved for use in this District. The Court also will provide Petitioner time to resubmit his § 2255 motion on the proper form.

IT IS, THEREFORE, ORDERED that along with a copy of this Order, the Clerk will send Petitioner the § 2255 motion form which has been approved for use in this judicial district.

IT IS FURTHER ORDERED that the Petitioner shall have 30 days from service of this Order in which to resubmit his motion to vacate on the proper form.

Petitioner is advised that if he fails to resubmit his claims on the proper form, his original motion to vacate may be dismissed with prejudice without any further notice to him.

Signed: December 30, 2008



Lacy H. Thornburg
United States District Judge

